

STATE / LOCAL WEEKLY REPORT

February 24 – February 28, 2014

STATE LEGISLATIVE ISSUES

Bills this Week / Analysis

Source: Jess McCarty (CAO)

Chauffeured Limousines

Senator Jeff Brandes (R – St. Petersburg and Chairman of the Senate Transportation Committee) filed SB 1618 re: chauffeured limousines Friday. SB 1618 would preempt counties from licensing or regulating chauffeured limousines, chauffeured limousine services and drivers of chauffeured limousines, and would impose uniform statewide regulation based on emerging transportation technology according to the bill.

The uniform statewide regulation of chauffeured limousines in SB 1618 would, among other things:

1. Prohibit chauffeured limousines from accepting or soliciting street hails;
2. Require that trips be arranged only through advance reservation, but with no time restriction;
3. Require chauffeured limousines initially placed in service to be no older than 5 model years, and be taken out of service if older than 10 model years; and
4. Require background screening and other requirements of drivers.

Here's a link to SB 1618: <http://static.lobbytools.com/bills/2014/pdf/1618.pdf>. No House companion bill has been filed as of yet. The language of SB 1618 is likely to eventually run as an amendment to the FDOT package.

Senator Brandes' filing of SB 1618 follows a presentation by Uber in the Senate Transportation Committee last week.

[SB 1618](#) Relating to Chauffeured Limousines

[Brandes](#)

02/28/14

Chauffeured Limousines; Citing this act as the "Chauffeured Limousines and Services Safety Act"; preempting the licensing and regulation of chauffeured limousines, chauffeured limousine services, and drivers of chauffeured limousines to the state; providing rules of operation for a chauffeured limousine service; providing chauffeured limousine vehicle standards; providing requirements for

chauffeured limousine drivers; providing penalties; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; revising proof of insurance requirements for owners or operators of chauffeured limousines and chauffeured limousine services, etc. Effective Date: 10/1/2014

Environmental Regulation / Preemption

SB 1464 re: environmental regulation was filed Friday by Senator Wilton Simpson (R – New Port Richey). SB 1464 is the Senate companion bill to HB 703 (see email below). HB 703 is the subject of Item 11A29 on Tuesday's BCC agenda and regarding which County departments had a number of concerns.

Among other provisions, SB 1464 includes language that may preempt the provision of the Miami-Dade County Charter requiring a 2/3rds vote of members of the BCC to amend the Comprehensive Development Master Plan to include additional land outside the UDB (see page 4, line 99), although it's in a different statute section and worded differently than in HB 703.

SB 1464 also includes a provision extending all building permits, Florida Dept of Environmental Protection permits and water management district permits that expire between January 1, 2012 and January 1, 2015 for an additional 2 years (see page, 14, section 16). This provision doesn't appear in HB 703.

Here's a link to SB 1464: <http://static.lobbytools.com/bills/2014/pdf/1464.pdf>. It is important to note that SB 1464 is not identical to HB 703, so County departments should review SB 1464 for possible additional issues even if they've already reviewed HB 703. SB 1464 and HB 703 are also very likely to be amended with additional provisions as they move through committees.

Property Rights and Taxes

Prohibition on "Development Exactions": SB 1310 and HB 1077 are Senate and House companion bills that were filed this week by Senator Greg Evers (R – Pensacola) and Rep. Keith Perry (R – Gainesville). This pair of bills would prohibit a local government from imposing on any private property a tax, fee, charge or development condition that:

- a. Would require building, maintaining, or improving a public, private, or public-private infrastructure or facility that is unrelated to the direct impact of a proposed development, improvement project, or the subject of an application for a development order or administrative approval; or
- b. Is more stringent than an exaction imposed by a state or federal agency on or against the same property concerning the same impact.

There are exceptions for a tax, fee, charge or condition that would require a development exaction that serves to mitigate the direct impact of the proposed development and that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development upon the public, private, or public-private infrastructure or facility that is maintained, owned, or controlled by the local government.

Here are links to SB 1310 and HB 1077 (the bills are substantially similar but not identical):
<http://static.lobbytools.com/bills/2014/pdf/1310.pdf>;
<http://static.lobbytools.com/bills/2014/pdf/1077.pdf>,

Exemption from “Assessments” on Nonresidential Farm Buildings, Farm Fences, and Farm Signs: SB 1342 and HB 1147 are Senate and House companion bills filed this week by Senator Charlie Dean (R – Inverness) and Rep. Jimmie Smith (R – Lecanto). This pair of bills would exempt from local government assessments nonresidential farm buildings, farm fences and farm signs on bona-fide agricultural lands. These structures are already exempt from the Florida Building Code, county or municipal codes and most local fees.

Here are links to SB 1342 and HB 1147 (the bills are substantially similar but are drafted somewhat differently):
<http://static.lobbytools.com/bills/2014/pdf/1342.pdf>;
<http://static.lobbytools.com/bills/2014/pdf/1147.pdf>.

Growth Management/Private Property Rights: SB 1314 was filed this week by Senator Greg Evers (R – Pensacola) re: growth management and private property rights. SB 1314 is the Senate companion bill to HB 395 filed in December by Rep. Keith Perry (R – Gainesville). This pair of bills would require each local government in its comprehensive plan to address the protection of private property rights. It would require each local government comp plan to include a property rights element that protects private property rights (please see the email below on HB 395 for additional information). In the House, HB 395 has not yet received a committee hearing.

Here's a link to SB 1314: <http://static.lobbytools.com/bills/2014/pdf/1314.pdf> .

Miami-Dade Home Rule Charter

Senator Rene Garcia (R – Hialeah) filed Senate Joint Resolution (SJR) 1256 this afternoon. SJR 1256 is the Senate companion bill to HJR 1081 filed yesterday by Rep. Frank Artiles (R – Miami)(see email below). SJR 1256 is similar, but not identical to HJR 1081.

Like HJR 1081, SJR 1256 would propose a statewide vote on an amendment to the Florida Constitution related to the Miami-Dade County Home Rule Charter. The constitutional amendment, if passed by 60 percent of voters statewide, would authorize members of the Miami-Dade State Legislative Delegation to file, and the Legislature to pass, bills that would place questions on the Miami-Dade County ballot to amend the Miami-Dade County Home Rule Charter. Such amendments to the Miami-Dade Charter would be effective upon approval by the voters of Miami-Dade County. A bill proposing such Charter amendments would have to be approved at a meeting of the Miami-Dade County legislative delegation and filed by a member of the Miami-Dade Delegation.

SJR 1256 includes an additional provision not contained in HJR 1081 providing that the proposed constitutional amendment would include a provision that the Miami-Dade Home Rule Charter may provide for fixed term limits of Miami-Dade County Commissioners.

Here's a link to SJR 1256: <http://static.lobbytools.com/bills/2014/pdf/1256.pdf>.

[SB
1256](#)

Relating to Miami-Dade County Home Rule Charter

[Garcia](#)

02/25/14

Miami-Dade County Home Rule Charter; Proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by a special law approved by the electors of Miami-Dade County; restricting the introduction of a bill proposing such a special law; providing that the charter may impose fixed term limits on county commissioners, etc.

Gaming / Professional Sports

Gaming; destination casinos: The Senate Gaming Committee chaired by Senator Garrett Richter (R – Naples) filed the Senate's gaming package today. It consists of three bills that would:

1. Allow for one destination casino each in Miami-Dade and Broward Counties, subject to countywide referendum approval in each county,
2. Allow for slot machines at parimutuels statewide,
3. Propose a constitutional amendment to prohibit any further expansion of gaming (beyond the above); and
4. Authorize the Governor to renegotiate the Seminole Tribe gaming compact.

The three bills are:

1. SB 7050: Gambling—A joint resolution proposing an amendment to the State Constitution that any additional gambling authorized by law will not take effect until a public ballot measure is approved by a majority of voters statewide;
2. SB 7052: Gaming—A comprehensive act relating to gaming, which includes a provision authorizing the state Gaming Control Board to issue "invitations to negotiate" for awarding one destination casino resort in Miami-Dade County and one destination casino resort in Broward County, subject in each county to approval in a countywide referendum; and
3. SB 7054: Public Records/Gaming Control—A bill providing a public records exemption for proprietary confidential business information in specified gaming applications.

The Senate Gaming Committee will hold a workshop on these three bills Monday, but will not vote on the bills. Proposals expanding gaming have moved through committees in the Senate during recent sessions, but have stalled in the House.

Here are links to the three bills in the Senate gaming package:

SPB 7050: <http://static.lobbytools.com/bills/2014/pdf/7050.pdf>

SPB 7052: <http://static.lobbytools.com/bills/2014/pdf/7052.pdf>

SPB 7054: <http://static.lobbytools.com/bills/2014/pdf/7054.pdf>

Professional sports facilities incentive process: Similar bills were filed in both the Senate and House today creating a process for the state award of additional professional sports facility incentives. The two bills are:

1. SB 1216 by Senator Jack Latvala (R – Clearwater), and
2. A proposed committee bill, PCB EAC 14-02 by the House Economic Affairs Committee chaired by Rep. Jimmy Patronis (R – Panama City).

The Senate bill allocates \$13 million annually, and the House bill \$12 million annually under a new sports facility development program. Both bills create a process for review and approval of professional sport facility state incentives by the Florida Department of Economic Opportunity (DEO). Any approval for a facility incentive by DEO is subject to approval by the Legislature thereafter before funding is awarded.

Here are links SB 1216: <http://static.lobbytools.com/bills/2014/pdf/1216.pdf> and House PCB EAC 14-02: <http://static.lobbytools.com/bills/2014/pdf/EAC2.pdf>

Film and Entertainment

Monday, the Senate Commerce and Tourism Committee chaired by Senator Nancy Detert (R – Venice) filed Senate Proposed Bill (SPB) 7056 re: film and entertainment industry financing incentive program. SPB 7056 is the Senate companion to HB 983 filed by Rep. Manny Diaz (R – Hialeah) last week.

SPB 7056 is not identical to HB 983. For example, SPB 7056 allocates \$50 million for film and entertainment incentives for each state fiscal year starting in state fiscal year 2014-15 and running through 2010-20 (HB 983 included \$200 million per year).

Here's a link to SPB 7056: <http://static.lobbytools.com/bills/2014/pdf/7056.pdf>.

In July, the Board enacted resolution no. R-602-13 urging the Florida Legislature to make a long-term commitment to fund film, television and entertainment incentives that foster economic development and create jobs (R-602-13 included below). The Board also identified this issue as one of its critical County priorities for the 2014 state legislative session, so we will continue to aggressively support passage of a bill in this area.

**SB
7056**

Relating to Entertainment Industry

Commerce and Tourism

02/24/14

Entertainment Industry; Renaming the Office of Film and Entertainment within the Department of Economic Opportunity as the Division of Film and Entertainment and housing the division within Enterprise Florida, Inc.; requiring Enterprise Florida, Inc., to conduct a national search for a film commissioner; revising provisions relating to the application process, tax credit eligibility, election and distribution of tax credits, annual allocation of tax credits, forfeiture of tax credits, and annual report, etc.
Effective Date: 7/1/2014

NEWS /POLICY NOTES

Environmental Appropriations

Source: Florida Current

There are millions of tax dollars on the line each year for buying conservation land, restoring beaches, cleaning up contamination sites and restoring the Everglades.

Legislators like to get in on the game, too, supporting water projects requested by local governments. Meanwhile, Florida TaxWatch is looking for budget "turkeys" and the governor is looking for veto bait to score points with tax-minded constituents.

The Florida Department of Environmental Protection FY 2013-14 budget is \$1.2 billion, including \$130.2 million in general revenue before vetoes by the governor. The budget includes 3,118 employee positions.

The Florida Forever conservation land-buying program is a big ticket each year for environmental groups. The program buys state parks, forests and hunting lands along with local parks and trails.

In his 2014-15 budget request, Gov. Rick Scott is requesting \$30 million in new revenue for conservation land buying along with \$40 million from the sale of non-conservation lands.

Beach restoration encourages coastal tourism, protects property and provides wildlife habitat, although there is no guarantee that the sand won't wash away during the next storm. In his 2014-15 budget recommendation, Scott is asking for \$25 million for beach renourishment projects.

Scott also requested \$125 million for DEP's petroleum contamination site cleanup program. But site owners want \$150 million, which is closer to the amount collected each year for cleanups from a tax on petroleum imports.

Everglades restoration would receive \$130 million, including \$32 million for water cleanup projects required in a federally-approved plan. The overall request is up from \$70 million in FY 2013-14 and includes projects recommended by a Senate select committee.

The Governor is requesting \$55 million in what he has labeled as springs protection measures. They include \$5 million for agricultural best management practices, \$25 million for alternative water supplies in Central Florida and \$25 million for springs projects across the state.

Sen. Joe Negron, R-Stuart and the Senate's budget chief, said he will focus on getting the Everglades funding recommended by his Senate Select Committee on Indian River Lagoon and the Lake Okeechobee Basin.

"It's real simple with me," Negron said. "I have one priority only this session when it comes to water, and that's funding the (\$220) million in recommendations of the select committee."

Managed Care

Source: Florida Current/ Miami Herald

A funding formula in the 2011 Medicaid overhaul could equal hundreds of millions of dollars being cut from Miami-area hospitals, reports *The Miami Herald*.

Jackson Memorial, which serves more uninsured and Medicaid patient than any other Florida hospital, will shoulder a \$140 million hit when the provision takes effect in July 2014.

"That would be fairly catastrophic," Chief Executive Officer Carlos Migoya said. "We're at a point right now where we are fairly efficient. It's not like we have a whole lot of extra fat to cut."

The plan was intended to make the distribution of a pot of money known as the Low Income Pool, which matches \$1 billion of federal Medicaid funds with state funds, more equitable.

In the past, counties such as Miami-Dade put tax dollars toward Medicaid, and were matched by federal funds. Hospitals in those counties got nearly all the federal dollars back. Under the new provision, federal dollars are being shared with some communities that don't raise their own funds.

"The fact is, the voters have put on themselves taxes that deal with healthcare," said Migoya. "Now, the Legislature is using some of this money to benefit other communities that chose not to tax themselves, as well as for-profit hospitals."

Rep. Matt Hudson, R-Naples, said the Legislature should rework the formula in the 2014 session. He also said the Legislature did not intend to have such a large impact on counties that have been raising their own funds for healthcare.

Hospitals in the Tampa Bay area are also on track to lose \$133 million next year, reports Sen. Jack Latvala, R-Clearwater, does not like the new formula either.

"To do what's been proposed potentially penalizes counties, local governments who have taken steps to provide for indigent health care costs locally ... and I think that's wrong," he said.

2014 Legislative Session Dates

March 4, 2014 Legislative Session Convenes
Bill Filing Deadline – 12:00 pm

May 2, 2014 Legislative Session Scheduled to Conclude

Fly-In Dates

Florida Association of Counties (2014 Legislative Day)

March 27, 2014

Film Florida (Rally in Tally 2014)

March 26, Capitol Building, Tallahassee, Florida.
Show the Florida legislation that the Film, Entertainment, and Digital Media Industry is in need of their support.

Florida League of Cities (Legislative Action Days)

April 1 –April 2, 2014

Miami Dade County Days

April 2-April 3, 2014